

Notice of Allowability

Application No.

10/825,535

Examiner

ROBERT MOSSER

Applicant(s)

WALKER ET AL.

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed July 17th, 2009.
2. ☒ The allowed claim(s) is/are 1-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 2/19/2009
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date Attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Downs on November 6th, 2009.

The application has been amended as follows:

Claims **4, 5, 25, 33, and 34** are amended as follows.

4. A method comprising:

receiving information about a plurality of merchants, each merchant being associated with respective first geographic data;

determining second geographic data that is associated with a user;

determining a set of local products based on the first geographic data and the second geographic data;

generating, by an electronic controller device, a local edition of a game, the local edition including a representation of at least one local product from the set of local products,

in which generating comprises not selecting any local product of a category of which the user has accepted an entitlement within a predetermined preceding period of time;

determining, by the electronic controller device, a measure of performance of the user in the game;

determining, by the electronic controller device and based on the measure of performance, whether to provide the user with at least one entitlement; and

prior to generating the local edition of the game, receiving, by the electronic controller device, an indication of a selection by the user of at least one entitlement,

in which each at least one selected entitlement is associated with a respective local product from the set of local products,

in which the local edition of the game comprises providing the user a first question about at least one entitlement selected by the player.

5. A method comprising:

determining geographic data that is associated with a user;

determining at least one game element based on the geographic data;

prior to initiating a game including the at least one game element, transmitting to the user an indication of a plurality of retail entitlements,

in which none of the plurality of retail entitlements is of a category of which the user has accepted a retail entitlement within a predetermined preceding period of time;

prior to initiating the game, receiving, by an electronic controller device, an indication of a selection by the user of at least one retail entitlement that the user will play for;

initiating, by the electronic controller device, the game for the user, the game including the at least one game element,

in which the game comprises providing the user a first question about a retail entitlement selected by the player to play for;
determining a measure of performance of the user;
determining whether to provide at least one retail entitlement to the user based on the measure of performance; and
providing, via the electronic controller device, ~~the user with~~ at least one retail entitlement to the user.

25. A method comprising:

determining geographic data that is associated with a player;
determining a plurality of prizes based on the geographic data;
in which determining the plurality of prizes comprises not selecting any prize of a category of which the player has accepted a prize within a predetermined preceding period of time
prior to initiating a game, transmitting to the user an indication of the plurality of prizes;
prior to initiating the game, receiving, by an electronic controller device, an indication of a selection by the player, from the plurality of prizes, of at least one prize that the player will play for;
initiating the game, by the electronic controller device,

in which the game comprises providing the player a first question about a prize selected by the player that the player will play for;

determining, by the electronic controller device, a measure of performance of the player in the game;

determining, by the electronic controller device and based on the measure of performance, whether to allow the player to select at least one prize from the at least one prize that the player selected to play for; and

receiving, by the electronic controller device, an indication of a selection by the player of at least one prize from the at least one prize that the player selected to play for.

33. A method comprising:

determining location data that is associated with a user;

determining at least one game element based on the location data;

prior to initiating a game for the user including the at least one game element, transmitting to the user an indication of a plurality of retail entitlements,

in which none of the plurality of retail entitlements is of a category of which the user has accepted a retail entitlement within a predetermined preceding period of time;

prior to initiating the game, receiving, by the electronic controller device, an indication of a selection by the user of at least one retail entitlement that the user will play for;

initiating, by an electronic controller device, the game for the user, the game including the at least one game element,

in which the game comprises providing the user a first question about a retail entitlement selected by the user that the user will play for;
determining a measure of performance of the user;
determining a purchase amount of at least one retail entitlement based on the measure of performance; and

providing, by the electronic controller device, the user with a certificate associated with the at least one retail entitlement in exchange for the purchase amount, in which the certificate is redeemable by the user at a merchant.

34. A method comprising:

determining geographic data that is associated with a user;
determining a plurality of local merchants based on the geographic data;
determining, by an electronic controller device, a measure of performance of the user in a game;

determining, by the electronic controller device and based on the measure of performance, whether to allow the user to select at least one retail entitlement; and
prior to initiating the game for the user, receiving, by the electronic controller device, an indication of a selection by the user of at least one retail entitlement,

in which each at least one retail entitlement selected by the user is associated with a respective local merchant of the plurality of local merchants,

in which none of the at least one selected retail entitlement is of a category of which the user has accepted a retail entitlement within a predetermined preceding period of time, and

in which the game comprises providing the user a first question about a retail entitlement selected by the user.

The following is an examiner's statement of reasons for allowance: The prior art of record when considered alone or in combination does not fairly teach or suggest the determining potential prizes based on the geographic location of the game participant, excluding prizes from a category which the game participant has accepted a prize within a predetermined period of time, and enabling the game participant to select a prize from the potential group of remaining prizes in combination with providing the game participant a question regard the selected prize and based on a measure of performance associated with the game participant determining whether or not to provide the prize to the game participant.

The closest prior art of record Somol et al US 2002/0103022 teaches limit awards based on previous wins however, Somol fails teach or describe the related claimed features of location based prize selection, player based prize selection and the generation of questions based on the selected prize presented to the user and the determination of player performance in determining the awarding of the selected prize to the player.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT MOSSER whose telephone number is (571)272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art
Unit 3714

/R. M./

Application/Control Number: 10/825,535

Page 9

Art Unit: 3714

Examiner, Art Unit 3714